



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

Tentative Notice of Action

MEETING DATE September 1, 2006 LOCAL EFFECTIVE DATE September 15, 2006 APPROX FINAL EFFECTIVE DATE October 6, 2006	CONTACT/PHONE Kerry Brown, Project Manager 781-5713	APPLICANT Emery Vlotho / Stor Max	FILE NO. DRC2006-00014
SUBJECT A request by Emery Vlotho / Stor Max for a Minor Use Permit/Coastal Development Permit to allow after-the-fact demolition of an existing restaurant, the construction of a new 1835 square foot restaurant and two hotel units totaling approximately 4,000 square feet, and the waiver of approximately 14 parking spaces. The project will result in the disturbance of the entire 6,000 square foot parcel. The proposed project is within the Commercial Retail land use category and is located at 49 Ocean Avenue, at the northwest corner of Ocean and Pacific Avenues in the community of Cayucos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2006-00014 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 2 Categorical Exemption was issued on August 21, 2006.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION Coastal Special Community, Coastal Appealable Zone, Central Business District, Local Coastal Plan,	ASSESSOR PARCEL NUMBER 064-119-026	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Architectural Character, Height Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Plan, Setbacks, Parking Requirements <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

EXISTING USES: Restaurant and two residences	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multi Family / residences East: Commercial Retail /commercial uses South: Commercial Retail /commercial uses West: Commercial Retail /commercial uses	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizens' Advisory Committee, Public Works, Cayucos Sanitary District, and the California Coastal Commission	
TOPOGRAPHY: Nearly level	VEGETATION: None
PROPOSED SERVICES: Water supply: Morro Rock Mutual Water Company Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Department	ACCEPTANCE DATE: August 3, 2006

DISCUSSION

The proposed project is to demolish and rebuild the existing restaurant to meet handicapped accessibility requirements and demolish the existing non-conforming duplex. The project also includes two new hotel units attached to the restaurant in the area of the duplex.

PLANNING AREA STANDARDS:

Estero Area Plan: Communitywide

Building Permits - District Authorization Required: All applications for building permit approval within the community of Cayucos are to be accompanied by a letter or other verification from the Cayucos Sanitary District indicating that the proposed project has received sewer connection approval. *The proposed project has been conditioned to meet this requirement.*

Estero Area Plan: Commercial Retail:

Architectural Character. New development shall include detailed facade plan which reflects Western or Victorian style architecture. *The proposed new commercial building reflects elements of Western style architecture, but is in more of a nautical style. The nautical style is proposed in the Estero Area Plan update. The proposed new commercial building will be consistent with the character of the commercial area, therefore the project is consistent with this standard.*

Height Limitation. Height shall be limited to 30 feet. *The new commercial building is proposed at 30 feet, therefore the project is consistent with this standard.*

LAND USE ORDINANCE STANDARDS:

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Other Combining Designations: Coastal Special Community / Visitor Serving Area

The project was reviewed for conformance with the applicable sections of the Coastal Zone Land Use Ordinance and was determined to be consistent. Because the project is located within a Coastal Special Community, it is appealable to the Coastal Commission and therefore requires a Minor Use Permit.

The subject parcel is designated Commercial Retail with Visitor Serving Area and Coastal Special Community combining designations in the County's General Plan. Eating and Drinking Places are identified as a 'P' use in Table 'O' (Part I of the Land Use Element) for the CR zone. Hotels are also a P use with special standards in the Chapter 8 of the Coastal Zone Land Use Ordinance. A 'P' use is a principally permitted use, a use to be encouraged and that has priority over non-principally permitted uses, but not over agriculture or coastal dependent uses.

Chapter 4 Site Design Standards

The table below summarizes the projects conformance with standards in chapter 4 of the Coastal Zone Land Use Ordinance.

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	No minimum	6,000 square feet
Setbacks		
Front	0'	0'
Sides	0'	0'
Rear	15' adjacent to a residential use	17'
Height	30'	30'
Parking	Eating and Drinking places <u>Customer:</u> 1 per 60 sq ft of customer area <u>Employee:</u> 1 per 360 sq ft of customer area AND 1 per 100 sq ft of kitchen area = 16 Hotel 2 spaces plus 1 space per unit = 4 Shared on-site adjustment 10% = (-2.02) Total parking required = 18	4 spaces provided and waiver requested for 14 spaces

Parking Requirements

Total required parking for the site is 18 (16 spaces required for the restaurant and 4 spaces for the hotel less a 10% reduction pursuant to Section 23.04.162). The applicant is proposing 4 parking spaces (3 enclosed spaces and 1 handicapped space). *The applicant has requested a waiver for 14 spaces. Staff has reviewed the request for a waiver and finds the waiver to be appropriate for the following reasons: The restaurant is an existing use, located in the central business district, the community supports the parking waiver, and there is not currently a parking problem at the site.*

COASTAL PLAN POLICIES: The project is consistent with the Coastal Plan Policies. The most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. *The applicant has demonstrated that adequate public service capacities are available to serve the proposed project because the applicant has secured a will serve from both the sewer and water purveyors*

Coastal Watersheds:

Policy 7: Siting of new development: *The proposed project is consistent with this policy because the new commercial building will be located on an existing lot of record in the Commercial Retail category on slopes less than 20 percent.*

Policy 8: Timing of new construction: *The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all slope and erosion control measures will be in place before the start of the rainy season.*

Policy 10: Drainage Provisions: *The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new commercial building will not increase erosion or runoff.*

Visual and Scenic Resources:

Policy 1: Site Selection for new development: *The proposed project is not consistent with this policy because the new commercial building will potentially block views to the ocean; however the project site is located in the Central Business District where increased height (above one story) is both allowed and encouraged.*

Policy 5: Land-form Alteration: *The proposed project is consistent with this policy because grading, earthmoving, major vegetation removal and other land-form alterations within public view corridors will be minimized.*

Policy 6: Special Communities and Small-Scale Neighborhoods: *The proposed project is consistent with this policy because the development has been designed and sited to complement and be visually compatible with existing characteristics of the community.*

Policy 7: Preservation of Trees and Native Vegetation: *The proposed project is consistent with this policy because no trees are proposed for removal.*

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

Planning Director Hearings
Minor Use Permit DRC2006-00014 / Stor Max
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COMMUNITY ADVISORY GROUP COMMENTS: The Cayucos Citizens' Advisory Council (CCAC) was sent a referral. The CCAC reviewed the project at the Aug 3, 2006 meeting and recommended approval of the project and the parking waiver as proposed.

AGENCY REVIEW:

Public Works- Recommend approval.

Cayucos Fire Protection District - Project will likely need to be fire sprinkered.

Cayucos Sanitary District - Applicant has obtained a will-serve.

Morro Rock Mutual Water Company - No response.

California Coastal Commission - No response.

Staff report prepared by Kerry Brown and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption Class 2 pursuant to CEQA Guidelines Section 15303 because the proposed project is demolition and reconstruction of a commercial building.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The project site is located between the first public road and the ocean. The project site is within an urban reserve line (Cayucos) and an existing coastal access point exists within ¼ mile of the project site, therefore, the proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.

Adjustments

- H. Modification of parking standards required by Land Use Ordinance Section 23.04.166 is justified because:

- a. The characteristics of the use do not necessitate the number of parking spaces required by Title 23 because the business currently exists, is located in the central business district and does need does not generate a large parking need,
- b. Reduced parking at the site currently exists and is adequate to accommodate the parking needs generated by the use; and
- c. No traffic problems will result from the proposed modification of parking standards because no traffic problem currently exist at the site.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. Demolition of the existing restaurant and duplex;
 - b. Reconstruction and addition of 177 square feet to an existing restaurant;
 - c. Construction of two motel units totaling 6,004 square feet;
 - d. Waiver of 14 parking spaces;
 - e. Maximum height is 30 feet as measured from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. Plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
3. The applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Community Water

5. The applicant shall provide a letter from Morro Rock Mutual Water Company stating they are willing and able to service the property.

Landscaping

6. The applicant shall submit a landscape plan to the Planning and Building Department for review and approval.

Conditions to be completed prior to issuance of a construction permit

Fees

7. The applicant shall pay all applicable school and public facilities fees.

Sanitary Release

8. The applicant shall obtain a signed release from the **Cayucos Sanitary District** to ensure that all of their concerns, requirements, fees, and design issues have been addressed. The applicant shall submit the signed release to development review staff prior to requesting building permit issuance.

Public Works Requirements

9. The applicant shall meet of all the requirements of the Public Works Department including curb, gutter, and sidewalk improvements consistent with Section 23.05.106.

Conditions to be completed during project construction

Building Height

10. The maximum height of the project is 30 feet as measured from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

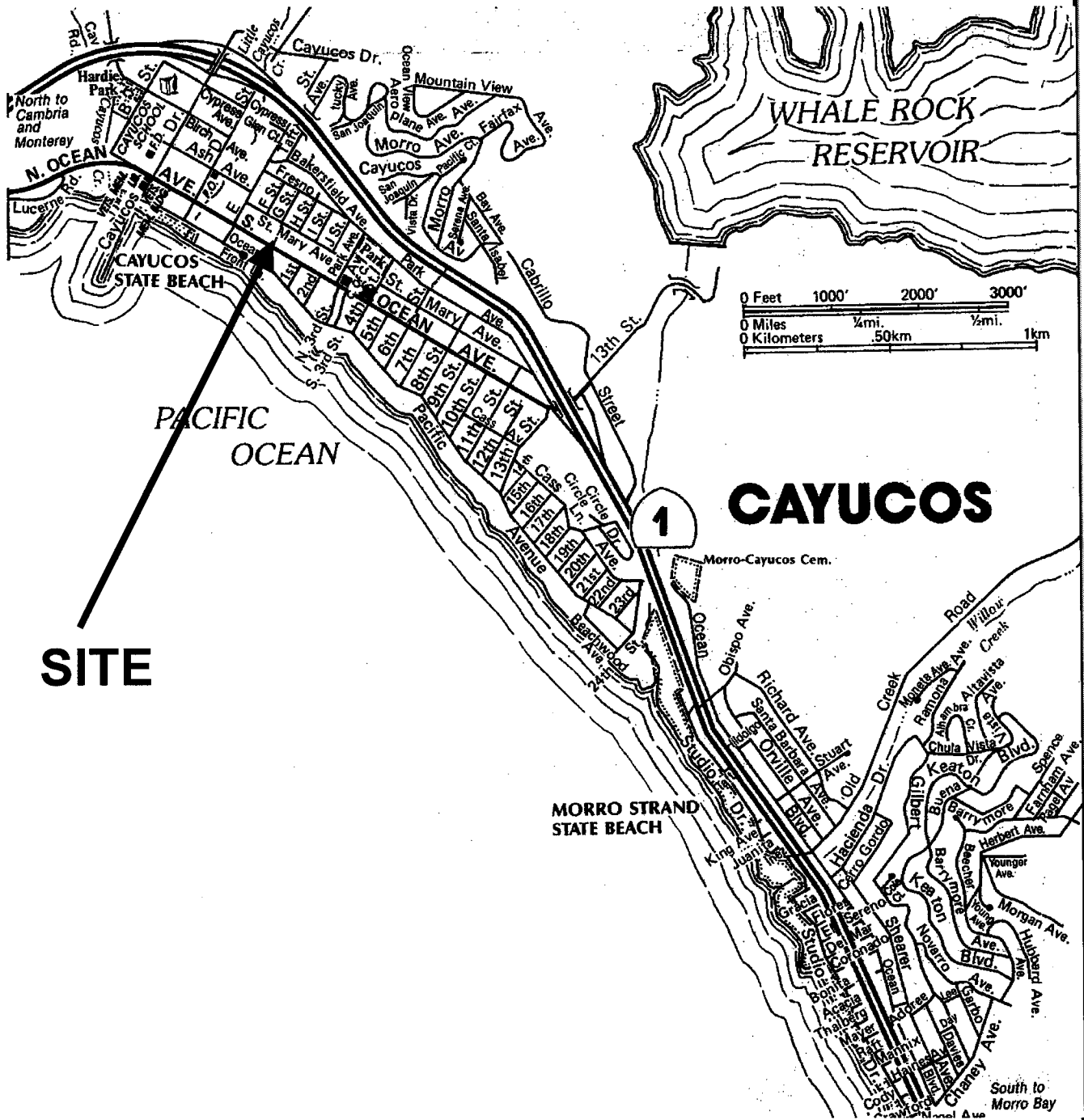
Conditions to be completed prior to occupancy or final building inspection /establishment of the use

11. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
12. The applicant shall obtain final inspection and approval from Cayucos Fire Department of all required fire/life safety measures.
13. The applicant shall install curb, gutter, and sidewalk improvements consistent with Section 23.05.106.
14. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Miscellaneous

15. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').
16. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the

Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



PROJECT

Minor Use Permit
Stormax DRC2006-00014



EXHIBIT

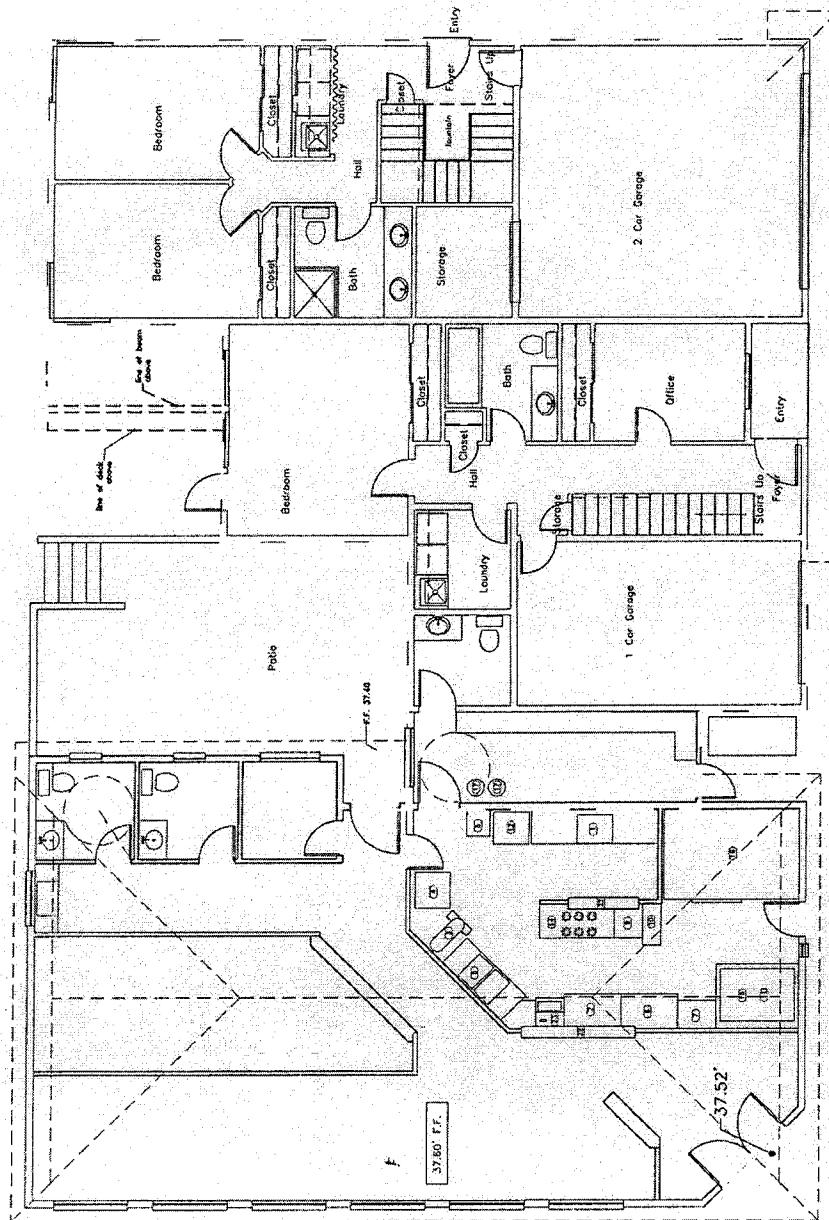
Vicinity Map

Minor Use Permit
Stor Max DRC2006-00014



Land Use Category Map





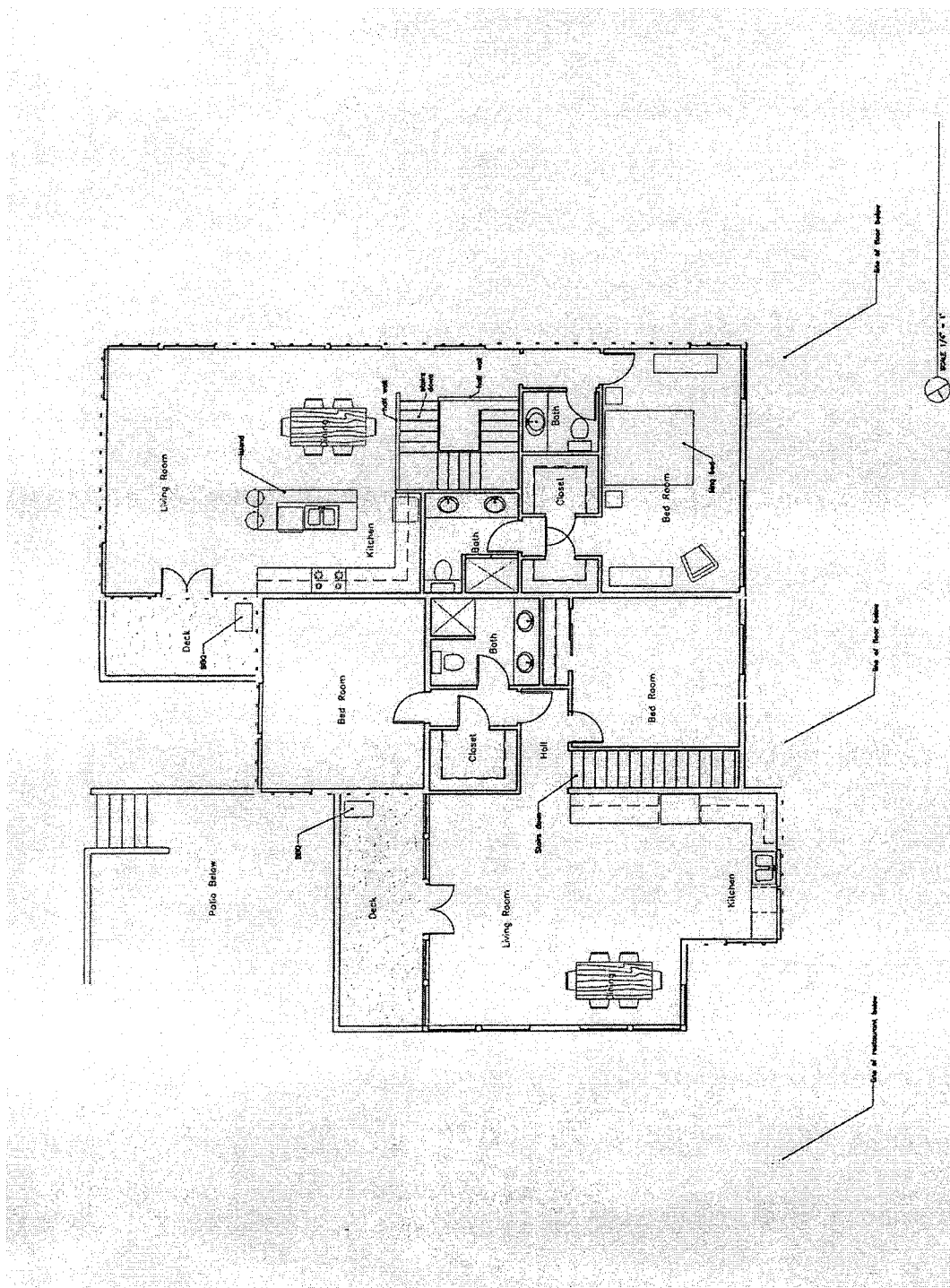
PROJECT

Minor Use Permit
Stor Max DRC2006-00014



EXHIBIT

First Floor



PROJECT

Minor Use Permit
Stor Max DRC2006-00014



EXHIBIT

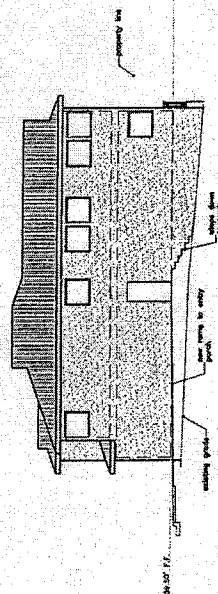
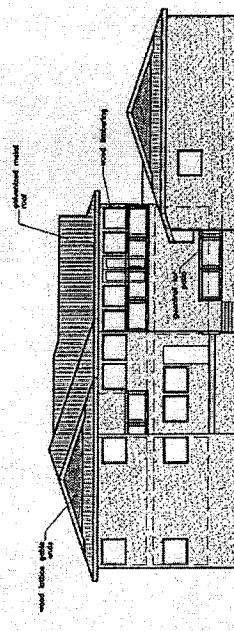
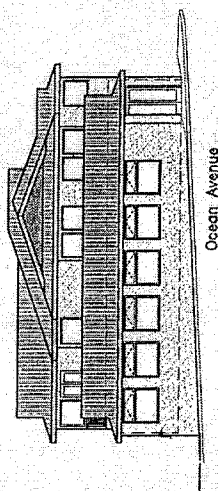
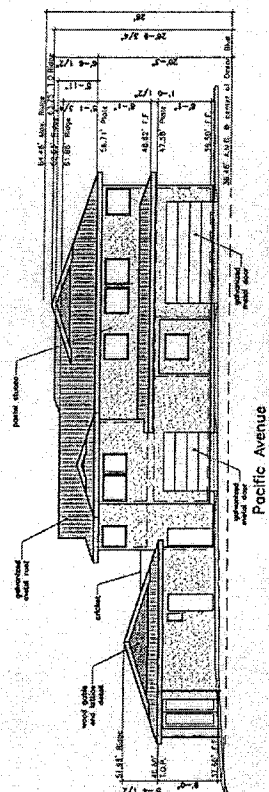
Second Floor

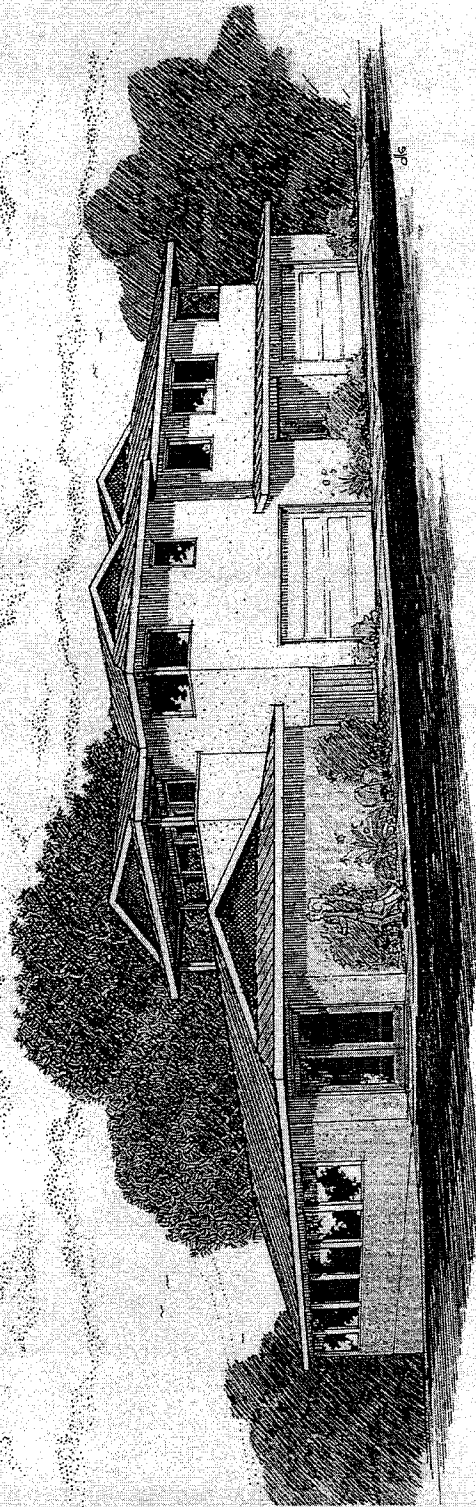
PROJECT

Minor Use Permit
Stor Max DRC2006-00014

**EXHIBIT**

Elevations





PROJECT

Minor Use Permit
Stor Max DRC2006-00014



EXHIBIT

Elevation

2006 AUG 23 AM 9:37

(Request for Public Hearing)

County file number DRC 2006-00014. Emery Ylotho.

I would like to request a hearing on this matter.



Robert J. Maddelein
49 Pacific Avenue
Cayucos, CA 93430
(805) 995-0508

August 22, 2006

2006 AUG 22 PM 1:47

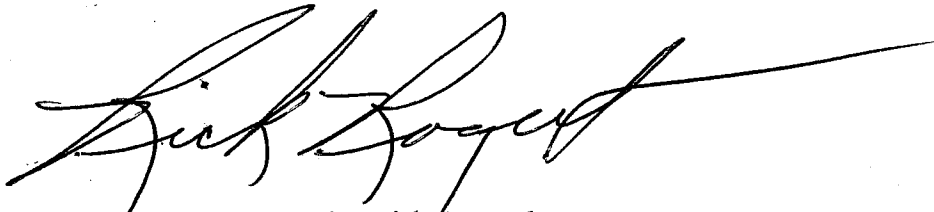
To: San Luis Obispo County Planning Department,

I would like to request a hearing on this matter.

County File Number DRC2006-00014

Assessor Parcel Number 064-119-026

I am against granting this request of 10 parking being waived from this new construction permit. I would also request that a start time of 8:00 A.M. because of the proximity to my Motel across the street. I have already had may complaints about the early morning noise.

A handwritten signature in dark ink, appearing to read "Rick Roquet", with a long horizontal flourish extending to the right.

Rick Roquet, Seaside Motel
42 Ocean Ave.
Cayucos, Ca. 93430
(805) 995-3809

